

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 10, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-24872 - APPLICANT/OWNER: STARS INVESTMENT LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-24531) and Variance (VAR-24532) shall be required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Variance to allow a four-foot side yard setback where 10 feet is the minimum required on 0.24 acres at 910 East Sahara Avenue. It is the applicant's intention to enclose the front patio of an existing 4,874 square foot office building. The building is located within an older commercial area on Sahara Avenue. Many of the structures were built close to property lines at that time. Enclosing the patio area to create interior space requires that portion of the building to meet the current side yard set back standard of 10 feet from the south property line.

The site is being overbuilt and denial is recommended of this Variance to enclose a patio area to create additional space within a building that is currently parking impaired and cannot meet the required side yard setback for an addition to the building.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|---|
| 05/17/2006 | The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. |
| 10/25/07 | This Variance (VAR-24872), related Site Development Plan Review (SDR-24531) and Variance (VAR-24532) to allow reduced parking, were held in abeyance from the 10/25 Planning Commission meeting at the request of the applicant. |
| <i>Related Building Permits/Business Licenses</i> | |
| 02/21/91 | Office Remodel/908 E Sahara Avenue |
| <i>Pre-Application Meeting</i> | |
| 08/21/07 | Discussed issues with existing building, parking requirements and requesting a waiver of the parking fingers. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required for this application, nor was one held. | |
| <i>Field Check</i> | |
| 09/18/07 | An inspection of the site was performed by the Planning and Development staff and it was noted the stairway and gas meter on north side of building appear to be within parking area. These features were not noted on site plan as existing and were to be removed. Parking lot on north side of building called out as 48'9" wide, Planning and Development inspector to check dimensions. (Revised Plans were requested from applicant and submitted on 09/28/07) |

LHM

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| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Net Acres | 0.24 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--------------------------|-------------------------|-------------------------|
| Subject Property | Office | C (Commercial) | C-1(Limited Commercial) |
| North | Medical Offices | C (Commercial) | C-1(Limited Commercial) |
| South | Community Center | C (Commercial) | C-1(Limited Commercial) |
| East | Offices | C (Commercial) | C-1(Limited Commercial) |
| West | Retail Shops | C (Commercial) | C-1(Limited Commercial) |

| Special Districts/Zones | Yes | No | Compliance |
|---|------------|-----------|-------------------|
| Special Area Plan | | | |
| Redevelopment Plan Area | X | | Y |
| Special Districts/Zones | Yes | No | Compliance |
| Special Purpose and Overlay Districts | | | |
| A-O (Airport Overlay) District (175') | X | | Y |
| Trails | | X | N/A |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

ANALYSIS

The applicant proposes to enclose the front patio of an existing 4,874 square foot office building. The additional 684 square feet of floor space will increase the square footage of the building to 5,558 square feet. Located in an older commercial development on Sahara Avenue, many of the buildings were built close to the property lines. Subsequently additions to these buildings are unable to meet current setback standards. A four and one-half foot set back is shown on the submitted site plan. Current requirements call for a ten foot side yard setback of the building from the south property line for the proposed enclosure of the patio.

The proposed addition of space to an existing building where the required side yard setback cannot be met is considered a self-imposed hardship as it is the applicant's choice to increase the size of the existing building; therefore, denial of this request is recommended.

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FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing an addition to a building that does not meet the required set backs. Alternative is not to add additional space to the building which would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 130

APPROVALS 1

PROTESTS 1